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6 **IN THE UNITED STATES DISTRICT COURT**
7 **FOR THE DISTRICT OF ARIZONA**
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9 Chad Robert Lee Kit,
10 Petitioner,

11 v.

12 Charles L Ryan, et al.,
13 Respondents.
14

No. CV-19-02060-PHX-DWL

ORDER

15 Pending before the Court are Petitioner's First Amended Petition for Writ of
16 Habeas Corpus pursuant to 28 U.S.C. § 2254 (Doc. 13) and the Report and
17 Recommendation ("R&R") of the United States Magistrate Judge (Doc. 17). The R&R,
18 which was issued on November 21, 2019, recommended that the Petition be dismissed
19 with prejudice and further provided that "[t]he parties shall have fourteen (14) days from
20 the date of service of a copy of this recommendation within which to file specific written
21 objections with the Court." (Doc. 17 at 8.)

22 Here, no such objections have been filed. Thus, the Court accepts the Magistrate
23 Judge's recommendation. *See, e.g., Thomas v. Arn*, 474 U.S. 140, 149-50 (1985) ("It
24 does not appear that Congress intended to require district court review of a magistrate's
25 factual or legal conclusions, under a *de novo* or any other standard, when neither party
26 objects to those findings."); *Schmidt v. Johnstone*, 263 F. Supp. 2d 1219, 1226 (D. Ariz.
27 2003) ("[N]o review is required of a magistrate judge's report and recommendation
28 unless objections are filed."). *See also United States v. Reyna-Tapia*, 328 F.3d 1114,

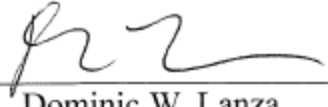
1 1121 (9th Cir. 2003) (“[T]he district judge must review the magistrate judge’s findings
2 and recommendations de novo *if objection is made*, but not otherwise.”).

3 Accordingly,

4 **IT IS ORDERED** that the R&R’s recommended disposition (Doc. 17) is
5 accepted, that the First Amended Petition (Doc. 13) is dismissed with prejudice, and that
6 the Clerk of Court shall enter judgment accordingly.

7 **IT IS FURTHER ORDERED** that a certificate of appealability and leave to
8 proceed in forma pauperis on appeal be **DENIED** because the dismissal of the petition is
9 justified by a plain procedural bar and jurists of reason would not find the procedural
10 ruling debatable.

11 Dated this 2nd day of January, 2020.

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16 Dominic W. Lanza
17 United States District Judge
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